

REMARKS

Claims 1-12 are all the claims presently pending in the application.

Claims 1-12 have been amended merely to correct a typographical error which appears in each of these claims.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-12, all the claims presently pending in the application, stand rejected on prior art grounds under 35 U.S.C. §103(a) as being anticipated by Saito, et al. (Traffic Engineering using Multiple Multipoint-to-Point LSPs, IEEE, pages 894-901, 26-30 March 2000).

This rejection is respectfully traversed in the following discussion.

I. THE PRIOR ART REJECTION

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being anticipated by Saito, et al.

Applicant submits that the publication date of the Saito, et al. publication is **March 26-30, 2000**, which is after the present application's foreign priority date of **July 15, 1999** based on JP 11-201929, and prior to the U.S. filing date of July 14, 2000 of the present application.

Therefore, the Saito, et al. publication is available as prior art only under 35 U.S.C. § 102(a) and can be removed as prior art by perfecting Applicant's claim to foreign priority under 35 U.S.C. §119(a)-(d), based on Applicant's foreign priority document, JP Application

Nos. 11-201929 by filing a verified/certified English translation of Applicant's foreign priority document JP 11-201929.

Accompanying this Amendment is a verified English translation of Applicant's priority document, thereby perfecting a claim to priority under 35 U.S.C. §119(a)-(d).

Thus, Applicant submits that Saito, et al. is not available as prior art to the present application. Therefore, the Examiner is requested to withdraw the rejection of claims 1-12 and to permit claims 1-12 to pass to immediate allowance.

II. FORMAL MATTERS AND CONCLUSION

Applicant amends the specification and abstract to correct minor typographical errors.


In view of the foregoing, Applicant submits that claims 1-12, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,


John J. Dresch, Esq.
Registration No. 46,672
Sean M. McGinn
Registration No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254